

IFW RCE 1723

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/081,315
Filing Date	02/21/2002
First Named Inventor	Eric H. Simonson
Art Unit	1723
Examiner Name	Matthew O. Savage
Attorney Docket Number	1247-1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☒ Other Amendment filed 12/31/2003

b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Statement of Substance...

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 08-1540

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other any deficiencies associated with these papers

b. ☒ Check in the amount of \$ \$385.00;\$475.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kenneth F. Florek, Esq.	Registration No. (Attorney/Agent)	33,173
Signature		Date	July 2, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Kenneth F. Florek, Esq.
Signature	
Date	July 2, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



1247-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATION

In re application of:

Eric H. Simonson

Serial No.: 10/081,315

Group Art Unit: 1723

Filed: February 2, 2002

Examiner: Matthew O. Savage

For: FILTER HOUSING WITH INTERCHANGEABLE
FILTER MOUNTING PLATE

New York, NY 10036
July 2, 2004

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Commissioner for Patents
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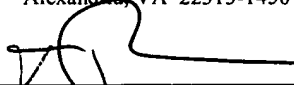
**STATEMENT OF SUBSTANCE OF INTERVIEW
AND SHIFT OF ELECTION OF SPECIES**

Sir:

Applicant provides the present statement of substance of the Examiner Interview pursuant to the Interview Summary mailed on June 23, 2004 in the above identified application. During an interview with the Examiner on June 22, 2004, the Examiner indicated that the amendment filed on December 21, 2003 was not responsive in that it was directed to an embodiment other than the species previously elected by the applicant. Applicant's undersigned representative explained that the

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Kenneth F. Florek, Reg. No. 33,173

invention was not any particular species, but instead comprised the generic filter system having interchangeable parts to permit a variety of filtering options. As such, applicant did not seek to claim any particular species but rather the generic invention as described in the specification.

Applicant's representative further indicated that the generic system is defined by Claim 1 of the Amendment filed on December 31, 2003, which is directed to a system having a plurality of interchangeable mounting plates. In this regard, the first mounting plate has a mount for releasably attaching a first type fluid treatment element and the second mounting plate has a mount for releasably attaching a second type fluid treatment element. Thus, the system claimed can be adapted to different filtering operations.

Applicant's representative referred to the original application filed, and the clear focus of the invention described therein as a filter system that can be adapted to a variety of fluid treatment options. As such, no particular species of the invention is significant. Rather, the invention is the system with its interchangeable elements.

This generic system is broadly claimed as having a plurality of interchangeable mounting plates, each for mounting a different type of fluid treatment element. Of course, other interchangeable elements are contemplated, as described and claimed. Therefore, the election to a particular species is only effective if the generic claim is not allowed, pursuant to 37 C.F.R. §1.141(a).

In this regard, the Examiner stated that he would consider the claims presented in the December 31, 2003 Amendment if an RCE were filed in the application with a request to shift from the species having a single mounting plate to the invention having two types of mounting plates.

As such, applicant herein formally requests a shift from the species having a single mounting plate to the invention including two types of mounting plates as recited in the claims presented in the December 31, 2003 Amendment. A representative example of the invention claimed is shown in Figures 1 and 2, and applicant elects these species in the event that a generic claim is not allowed under 37 C.F.R. §1.141(a).

Notwithstanding, all of the drawing figures describe various combinations that are possible with the present claimed invention and are considered to fall within the

spirit and scope of the generic invention claimed. Applicant therefore requests that the scope of the invention be considered as such.

In light of the foregoing, favorable consideration of the claims presented in the December 31, 2003 Amendment is respectfully requested and earnestly solicited at this time.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'KF Florek', with a long horizontal line extending to the right.

Kenneth F. Florek
Reg. No. 33,173

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